IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 23265 of 2007(T)

AS.51/2006 of PRINCIPAL SUB COURT,KOCHI
OS.47/2005 of ADDL.MUNSIFF COURT,KOCHI
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PETITIONER:

COCHIN THURAMUGHA THOZHILALI UNION
REG.NO.42/1949, REPRESENTED BY ITS GENERAL
SECRETARY IN CHARGE, V.H.M.RAFEEQUE,
S/O.LATE V.A.HAMSA, BUSINESS, AGED 52, RESIDING
AT VALIAPARAMBIL HOUSE NO.II/45, MADURA COMPANY
ROAD, PALLURUTHY, KOCHI-6.

BY ADV. SRISHIJU VARGHEESE
SRI.C.S.YESUDAS
SRI.P.F.THOMAS (SR.)

RESPONDENTS:
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1. A.B.AZEEZ, S/O.BEERAN, AGED 37,
RESIDING AT BUILDING NO.CCV/380, BUNGALOW
PARAMBA, MAR ROAD, KOCHI-2.

2. K.Y.AZEEZ, AGED 37 YEARS,
S/O.K.M.YOUSAF, 5/381 C, BUNGLAW PARAMBU,
MAR ROAD, COCHIN-2.

3. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

BY ADV. SRI.O.BALANARAYANAN
GOVT. PLEADER SMT. R.BINDU FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Appendix

Ext.P1 true copy of the order in WP(C) 10666/2005 of the Hon 'b le High Court of Kerala dated 8.4.2005.

Ext.P2 true copy of the decree in OS 47/05 of the Munsiff's Court, Kochi dated 31.3.06.

Ext.P3 true copy of the Advance Petition IA 450/07 in AS 51/06 of the Sub Court, Kochi dated 22.5.07.

Ext.P4 true copy of the stay petition IA 1161/2006 in AS 51/06 of the Sub Court, Kochi dated 4.8.06.

Ext.P5 true copy of the counter affidavit in IA 1161/06 in AS 51/06 of the Sub Court, Kochi dated nil.

Ext.P6 true copy of the memorandum of appeal AS 51/06 of the Sub Court, Kochi dated 1.8.06.

Ext.P7 true copy of the petition IA 677/07 in AS 51/06 of the Sub Court, Kochi dated 6.6.07.

Ext.P87 true copy of the order in IA 1161/06 in AS 51/06 of the sub Court, Kochi dated 4.7.07.

First respondent's Exts:

Ext.RT1(1) photostat copy of minutes of meeting of petitioner union held on 15.4.2001.

Ext.R1(2) true photostat copy of true copy of minutes of the union from 30.5.1998 onwards.

Ext.R1(3) true copy of proof affidavit of A.B.Azeez dated 2.2.2006 filed in OS 47/2005 before Hon'ble Munsiff Court, Kochi.

Ext.R1(4) true copy of notice dated 25.1.2005.

Ext.R1(5) true copy of order dated 4.7.06 in IA 1357/2007 in OS 253/2007 before Hon'ble Munsiff Court, Kochi.

Ext.R1(6) true copy of proof affidavit of late A.A. Kochunni dated 10.2.2006 filed in OS 47/2005 before Hon'ble Munsiff Court, Kochi.

Ext.R1(7) true copy of cross examination of late A.A. Kochunni in OS 47/2005 before Hon'ble Munsiff Court, Kochi.

Ext.R1(8) true copy of reply affidavit of M.K. Abbas dated 26.6.07 filed in IA 1357/2007 in OS 253/2007 before Hon'ble Munsiff Court, Kochi.

Ext.R1(9) true copy of Bye-laws of petitioner Union prior to 1998.

Ext.R1(10) true copy of the common judgment in OS 13/2005 and OS 47/2005 dated 31.3.2006 passed by Munsiff Court, Kochi.

M.N.Krishnan, J.

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W.P(C).No.23265 of 2007

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Dated this the 1st day of October, 2007.

JUDGMENT

This Writ Petition is preferred against the order of the Subordinate Judge, Kochi in I.A.No.1161 of 2006 in A.S.No.51 of 2006. I am informed that the two appeals filed as A.S.Nos. 51 of 2006 and 52 of 2006 are pending before the Subordinate Judge, Kochi, which had been preferred against a common judgment and that steps are already complete and the matter requires detailed consideration of facts as well as law.

2. Therefore, at this stage, I feel that it is only appropriate to give a direction to the Subordinate Judge, Kochi to dispose of A.S.Nos. 51 of 2006 and 52 of 2006 within a period of one month and at the most within a period of six weeks from today. The execution of the decree will stand stayed for a period of six weeks.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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